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EXAMINER				
AL HASHEMI, SANA A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,399

**Applicant(s)**

JANSSEN ET AL.

**Examiner**

Sana Al-Hashemi

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is issued in response filed 2/27/09.

Claims 1-8 are pending. Claims 9- 12 were canceled. Claims 13-14 were added.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 USC 102(e) as being anticipated by Millikan et al  
(Millikan hereinafter) US Patent Application Publication 2003/0172079 filed Sep. 27, 2002.

Regarding Claim 1, Millikan discloses a method for modifying a database file organized in segments and stored on a storage medium of limited rewritability, the method comprising the steps of:

reserving, within the database file, at least one area of predetermined size and position dedicated to writing thereto data records of at least one type, respectively (Fig. 4, 90, Millikan);  
indicating within the database file, as a last written segment that segment within the area to which data records were last written (Fig. 4, 92, Millikan);

writing a specific data record of a specific type that is to be written to the database, into at least one of a next available segment or segments after the last written segment within the area dedicated to the specific type (Paragraph 29, page 3, lines 4-10, Millikan);

continuing, whenever during the writing the end of the area has been reached, the writing at the first available segment of the area (Paragraph 42, wherein the method of assigning a value to each metadata corresponds to the claimed limitation, Millikan).

Regarding Claim 2, Millikan discloses a method used for modifying a data record of a specific type in the database file wherein the database file contains an area dedicated to the specific type, and the method additionally comprises the steps of:

reading, from the area, the data record (Paragraph 43, left column lines 11-14, Millikan);  
modifying the read data record (Paragraph 43, left column lines 14-18, Millikan);  
obtaining a first write address information indicating a segment within the area to which a data record of the specific type was last written (Paragraph 43, left column lines 18-20, Millikan);

forwarding, as part of ensuring distributed write, the first write address information so that it indicates a next segment within the area which contains unused space (Paragraph 44, Millikan);

writing the modified data record to segments starting at the segment as indicated by the first write address information (Paragraph 45, wherein the user can select one of the sorting criteria correspond to the modification, Millikan).

Regarding Claim 3, Millikan discloses a method wherein the data record is a payload data record, the specific type is a "payload" type, the area is a payload area, the database file additionally has a control area and wherein the method additionally comprises the steps of:

in case that an address information about the payload data record is contained in a control block within the control area, reading, from the control area, the control block(Paragraph 44, Millikan);

updating the address information in the control block to reflect the first write address (Paragraph 45, Millikan);

obtaining a second write address information indicating the segment within the control area to which a control block was last written; forwarding, as part of ensuring distributed write, the second write address information so that it indicates a next segment within the control area which contains unused space; writing the updated control block to the segment as indicated by the second write address information (Paragraph 39, Millikan).

Regarding Claim 4, Millikan discloses a method used for deleting a payload data record from the database file, wherein the database file contains a control area, and the method additionally comprises the steps of:

reading, from the control area, control blocks containing information associated to the payload data record to be deleted (Paragraph 43, Millikan);

marking, in the read control blocks, the payload data record to be deleted as deleted, thereby obtaining a modified control block (Paragraph 30, Millikan);

obtaining a write address information indicating the segment within the control area to which a control block was last written; forwarding, as part of ensuring distributed write, the write

address information so that it indicates a next segment within the control area which contains unused space; writing the modified control block to the segment as indicated by the forwarded write address information (Fig. 4, Paragraph 34, Millikan).

Regarding Claim 5, Millikan discloses a method wherein the size of the segments corresponds to an integer multiple of the size of sectors as defined in a physical format on the storage medium (Paragraphs 9, and 13, Millikan).

Regarding Claim 6, Millikan discloses a method wherein the segments are allocated on the storage medium to be sector aligned (Fig. 4, 86, Millikan).

Regarding Claim 7, Millikan discloses a method wherein the indicating is realized by attaching to a data record to be written a version count value which is incremented and taken modulo a predefined upper bound upon each writing, the version count getting written to the database file as part of the data record being written thereto (Paragraph 46, Millikan).

Regarding Claim 8, Millikan discloses a method wherein the size of the at least one area is chosen such that the average wear of the segments is equal (Paragraph 40, Millikan).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Millikan et al (Millikan hereinafter) US Patent Application Publication 2003/0172079 filed Sep. 27, 2002 in view of Itoi US Patent No. 6,330,394 issued Dec. 11, 2001.

Regarding Claims 13, and 14, Millikan discloses all the limitations as stated above. However, Millikan is silent with respect to the method wherein the size of the segment corresponds to an integer multiple of the size of Error Correction Code blocks as defined in the physical on the storage medium. On the other hand Itoi disclose the method wherein the size of the segment corresponds to an integer multiple of the size of Error Correction Code blocks as defined in the physical on the storage medium as disclosed in Col. 2, lines 10-20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the Error Correction Code blocks. Skilled artisan would have been motivated to make such modification to the system to the control of a central processing unit control circuit, a recording signal processing circuit for performing shuffling, addition of an error correction code, and record coding to an output signal of the video/audio coding circuit and for multiplexing the video/audio signal and the control error correction code block, an optical head for recording output data of the recording signal processing circuit on a disk, a play-back signal processing circuit for performing record code decoding, error correction, and de-shuffling to data played back from the disk by the optical head, a video/audio decoding circuit for decoding video/audio data on the basis of an output of the play-back signal processing circuit to output the video/audio data as a video/audio signal, and a control error correction code block playing-back circuit for playing back a control error correction code block on the basis of an output of the play-back

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signal processing circuit and for causing the central processing unit control circuit to control the optical head and a spindle motor on the basis of the control error correction code block and an execution instruction.

***Response to Arguments***

Applicant's arguments filed 2/27/09 have been fully considered but they are not persuasive.

Applicant amendment to claims 5, and 6 had overcome the 112 rejection. Therefore the rejection have been withdrawn

Applicant argues the applied art fail to disclose the data records being a certain type and areas being dedicated to writing records of certain type.

Examiner disagrees. The applied art discloses the type of data to be recorded in a segment as disclosed in paragraph 37.

Applicant argues the applied art fails to disclose contain in any way the notation "wrap around" as expressed in the purportedly related claim element.

Examiner disagrees. The applied art discloses the notation "wrap around" in recording and in play the recorded data.

Applicant argues the applied art fail to disclose "a method for modifying a database file".

Examiner disagrees. The applied art teaches the method of adding more recording and creating presort segment the teaching of updating and creating segment is a way of modifying a database file.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Point of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/  
Primary Examiner, Art Unit 2156  
May 26, 2009